

REMARKS/ARGUMENTS

The Examiner has delineated the following distinct invention:

Group I: Claims 18-29, 32 and 35, drawn to a graphite composite mixture powder;

Group II: Claims 30, 33 and 36, drawn to method of method of producing a negative electrode material;

Group III: Claims 31, 34 and 37, drawn to a graphite composite mixture powder.

In response to the Restriction Requirement mailed March 17, 2010, Applicants elect, without traverse, the invention of Group I, Claims 18-29, 32 and 35, drawn to a graphite composite mixture powder..

Further, Applicants reserve the right to file divisional applications, if so desired, and be accorded the benefit of the filing date of the parent application.

Divisional application filed thereafter should not be subject to double-patenting ground of rejection, 35 U.S.C. §121, In re Joyce, (Com. Pats. 1957) 115 USPQ 412.

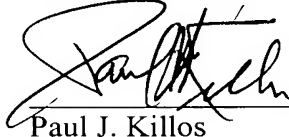
Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be no serious burden placed on the Examiner if restriction is not required (M.P.E.P. §803).

Applicants make no statement regarding the patentable distinctness of the groups but note that for the restriction to be proper there must be patentable differences.

Applicants submit that the above-identified application is now in condition for examination on the merits, and an early notice of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Paul J. Killos", is written over a horizontal line.

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